

GRAY DAVIS
GOVERNOR



STATE OF CALIFORNIA COMMISSION ON STATE MANDATES

REPORT TO THE LEGISLATURE: APPROVED MANDATE CLAIMS

January 1, 2000 – May 25, 2000

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Director of the
Department of Finance

Philip Angelides,
Vice Chairperson
State Treasurer

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COMMISSION ON STATE MANDATES

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June 27, 2000

Mr. Gregory Schmidt
Secretary of the Senate
California State Legislature
State Capitol, Room 3044
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
California State Legislature
State Capitol, Room 3196
Sacramento, California 95814

Enclosed is the Commission on State Mandates' Report to the Legislature required by Government Code section 17600. At least twice each calendar year, the Commission is required to report to the Legislature on the number of mandates it has found, the estimated statewide cost of each mandate, and the reasons for recommending reimbursement.

Government Code section 17612, subdivision (a), states that the local government claims bill introduced in the Legislature shall provide for an appropriation sufficient to pay the estimated costs of the mandates approved by the Commission.

If you have questions regarding this report, you may contact me at (916) 323-3562.

Sincerely,

PAULA HIGASHI
Executive Director

Enclosure

c: w/encl.

Honorable Patrick Johnston, Chairperson, Senate Appropriations Committee
Honorable Steve Peace, Chairperson, Senate Budget and Fiscal Review Committee
and Chairperson, Joint Legislative Budget Committee
Honorable Carole Migden, Chairperson, Assembly Appropriations Committee
Honorable Denise Moreno Ducheny, Chairperson, Assembly Budget Committee
Ms. Elizabeth G. Hill, Legislative Analyst
Mr. Mike Gotch, Legislative Secretary, Governor's Office

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INTRODUCTION

Section 17600 of the Government Code requires the Commission on State Mandates (Commission) to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.

Section 17612, subdivision (a), of the Government Code provides that upon receipt of this report, a local government claims bill shall be introduced in the Legislature. This section further states that, at its introduction, the bill shall provide for an appropriation sufficient to pay the estimated costs of the mandates approved by the Commission. If the Legislature deletes funding for a mandate from a local government claims bill, the local agency or school district may file an action in declaratory relief in the Superior Court of the County of Sacramento to declare the mandate unenforceable and enjoin its enforcement pursuant to Section 17612, subdivision (c), of the Government Code.

Section 17561.5, subdivision (a), of the Government Code states that if payment for an initial reimbursement claim is being made more than 365 days after adoption of the statewide cost estimate, the Controller shall include accrued interest at the Pooled Money Investment Account rate.

The Commission has approved other test claims during this and earlier periods, and those approvals often are made in part rather than in total. Approved mandates, however, are not reported until the Commission has adopted the statewide cost estimates.

Section 17567 of the Government Code provides that, if the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the State Controller's Office will prorate the claims. If the deficiency funds are not appropriated in the Budget Act, the Controller reports this information to the legislative budget committees and the Commission. The Commission will then include the deficiency in its report to the Legislature in order to ensure that it is included in the next claims bill.

FISCAL SUMMARY

Costs of New Mandates

Sudden Infant Death Syndrome Training for Firefighters

Health and Safety Code Section 1797.192

Statutes of 1989, Chapter 1111

(Renumbered 1797.193 by Statutes of 1990, Chapter 216)\$1,417,000

Very High Fire Hazard Severity Zones

Government Code Sections 51175 through 51189

Health and Safety Code Sections 13108.5 and 13132.7

Statutes of 1992, Chapter 1188

Statutes of 1994, Chapter 843

Statutes of 1995, Chapter 333\$562,000

Pupil Residency Verification and Appeals

Education Code Sections 48204.5 and 48204.6

Revenue and Taxation Code Section 97.3

Statutes of 1995, Chapter 309

Section 5 of Statutes of 1995, Chapter 309\$1,278,000¹

Criminal Background Checks (a.k.a. Michele Montoya School Safety Act)

Education Code Sections 44332.6, 44830.1,

45122.1, 45125, and 45125.1

Statutes of 1997, Chapter 588

Statutes of 1997, Chapter 589\$20,957,000²

Totals

General Fund\$19,047,000

Proposition 98\$5,167,000

Prior Year Deficiencies

The State Controller's Office letter dated May 2, 2000, requests additional funds due to an overall appropriation deficiency. The Department of Finance's May Revision includes \$110,182,000 for this purpose. This amount includes \$47,903,000 for claims relating to the *Open Meetings Act* and \$16,714,000 for interest on late payments. Pursuant to Government Code section 17567, the Commission is required to include the deficiency in its report to the Legislature for inclusion in the next claims bill.

General Fund\$110,182,000

¹ This includes \$212,000 from the Proposition 98 Reversion Account and \$1,066,000 from the General Fund.

² This includes \$4,955,000 from the Proposition 98 Reversion Account and \$16,002,000 from the General Fund.

MANDATE SUMMARIES

The following section describes the mandates and statewide cost estimates approved by the Commission during the reporting period. The eligible claimants, mandate background, reimbursable mandated activities and approved statewide cost estimate are included for each of the following mandates:

- *Sudden Infant Death Syndrome Training for Firefighters*
- *Very High Fire Hazard Severity Zones*
- *Pupil Residency Verification and Appeals*
- *Criminal Background Checks (a.k.a. Michele Montoya School Safety Act)*

Sudden Infant Death Syndrome Training for Firefighters

Statewide Cost Estimate
Adopted January 27, 2000

Health and Safety Code Section 1797.192
Statutes of 1989, Chapter 1111
(Renumbered 1797.193 by Statutes of 1990, Chapter 216) Mandate Summary
Mandate Summary

Eligible Claimants

Counties, cities, a city and county, and special districts.

Mandate Background

Following the remand instructions from the Court of Appeal, Second Appellate District, the Commission determined on December 17, 1998, that the statutory authority to impose fees on firefighters for the cost of the program could not be realistically exercised by the local agencies and, thus, the test claim statute imposed "costs mandated by the state" under Government Code section 17514. The subject legislation requires new and veteran firefighters to complete a training course on Sudden Infant Death Syndrome (SIDS).

The Commission on State Mandates adopted the Parameters and Guidelines for this claim on April 29, 1999. Costs incurred on or after July 1, 1990, are eligible for reimbursement.

Reimbursable Mandated Activities

For each eligible claimant, all direct and indirect costs of labor, supplies and services, and travel for the following activities only are eligible for reimbursement:

A. Claimant-Sponsored Training

1. Designing and developing a two-hour basic training class and a two hour continuing education training class on SIDS for new and veteran firefighters.
 - a) Meeting and conferring with SIDS experts on curriculum development.
 - b) Firefighter teacher training to obtain SIDS expertise.
 - c) Contacting community organizations and obtaining current referral information on resources available to assist families who have lost children to SIDS.
 - d) Developing or obtaining training materials including, but not limited to, training videos and audio visual aids, for the basic training and continuing education classes on SIDS.
 - e) Incorporating the two-hour SIDS training class into the basic training and continuing education programs.
2. A one-time, two-hour basic training course for each new firefighter employed by a local agency after January 1, 1990.
 - a) Instructor time to prepare and teach the two-hour class on SIDS.

- b) Trainee time to attend the two-hour class on SIDS.
- 3. A one-time, two-hour continuing education course for each existing firefighter employed by a local agency on January 1, 1990.
 - a) Instructor time to prepare and teach the two-hour class on SIDS.
 - b) Trainee time to attend the two-hour class on SIDS.

B. Outside Training

- 1. A one-time, two-hour basic training course for each new firefighter employed by a local agency after January 1, 1990.
 - a) Trainee time to attend the two-hour class on SIDS.
 - b) Training fees for each new firefighter attending the SIDS class.
 - c) Purchase of training materials for each new firefighter attending the SIDS class.
- 2. A one-time, two-hour continuing education course for each existing firefighter employed by a local agency on January 1, 1990.
 - a) Trainee time to attend the two-hour class on SIDS.
 - b) Training fees for each veteran firefighter attending the SIDS class.
 - c) Purchase of training materials for each veteran firefighter attending the SIDS class.

Statewide Cost Estimate

Following is a breakdown of actual and estimated total costs per fiscal year:

<u>FISCAL YEAR</u>	<u>TOTAL ESTIMATE ACTUAL & PROJECTED</u>
1990-91	\$270,983
1991-92	\$316,063
1992-93	\$80,028
1993-94	\$128,925
1994-95	\$51,203
1995-96	\$117,846
1996-97	\$51,894
1997-98	\$68,645
1998-99	\$107,719
1999-00 (2.7%)*	\$110,627
2000-01 (2.3%)*	<u>\$113,171</u>
Total	\$1,417,104
Statewide Cost Estimate Total	\$1,417,000

*Implicit Price Deflator as projected by the Department of Finance.

Very High Fire Hazard Severity Zones

Statewide Cost Estimate
Adopted March 30, 2000

Government Code Sections 51175 through 51189
Health and Safety Code Sections 13108.5 and 13132.7
Statutes of 1992, Chapter 1188
Statutes of 1994, Chapter 843
Statutes of 1995, Chapter 333

Mandate Summary

Eligible Claimants

Counties, cities, a city and county, and special districts responsible for fire protection within a very high fire hazard severity zone.

Mandate Background

On April 29, 1999, the Commission on State Mandates adopted its Statement of Decision finding that the subject legislation imposed a reimbursable state-mandated program on counties, cities, a city and county, and special districts responsible for fire protection within a very high fire hazard severity zone. The test claim statutes created a “new program or higher level of service” under article XIII B, section 6 of the California Constitution and imposed “costs mandated by the state” under Government Code section 17514.

In an effort to reduce the spread of uncontrolled fires, the Legislature enacted the test claim legislation requiring the identity of “very high fire hazard severity zones” throughout the state. The State Director of Forestry and Fire Protection is required to identify areas in the state as “very high fire hazard severity zones” and send a transmittal identifying the zones to affected local agencies. Thereafter, the test claim legislation requires local agencies to perform certain activities.

The Commission adopted the Parameters and Guidelines for this claim on August 26, 1999. Costs incurred on or after July 1, 1996, are eligible for reimbursement.

Reimbursable Mandated Activities

For each eligible claimant, all direct and indirect costs of labor, supplies and services, and travel for the following activities only are eligible for reimbursement:

- A. Reviewing and analyzing state recommendations, maps, and other related materials.
- B. Making the information contained in the state’s recommendation identifying an area as a “very high fire hazard severity zone” available to the public in a format that is understandable and accessible to the general public. This activity includes, but is not limited to, the development of maps and overlays.
- C. Adopting an ordinance, consistent with the Model Ordinance adopted by the State Fire Marshal, within 120 days of receiving the state’s recommendation, which designates the “very high fire hazard severity zones” and describes the required maintenance standards in those designated areas.

This activity includes the following:

1. Drafting and adoption of an ordinance.
2. Publication of the ordinance.

The activities listed in Components A, B and C are eligible for reimbursement any time the state updates its recommendations through the creation of new zones, or by changing the boundaries of existing zones.

D. Sending additional notification of the maintenance requirements imposed by Government Code section 51182 to property owners and occupiers on an annual basis.

1. Development of a manual or computer database or file for the names and addresses of owners and occupiers of property within “very high fire hazard severity zones” to the extent such information is not already maintained by the claimant. (One-time activity)
2. Input of names and addresses of owners and occupiers of property within “very high fire hazard severity zones” in the database or file. (One-time activity)
3. Updating the database or file containing the names and addresses of owners and occupiers of property within “very high fire hazard severity zones” to the extent such information is not already maintained by the claimant.
4. Development of the notice describing the maintenance requirements imposed by Government Code section 51182. (One-time activity)
5. Mailing the notice describing the maintenance requirements imposed by Government Code section 51182 to owners and occupiers of property within “very high fire hazard severity zones” on an annual basis.

Statewide Cost Estimate

Following is a breakdown of actual and estimated total costs per fiscal year:

<u>FISCAL YEAR</u>	<u>TOTAL ESTIMATE ACTUAL & PROJECTED</u>
1996-97	\$197,610
1997-98	\$110,343
1998-99	\$82,758
1999-00 (2.1%)*	\$84,496
2000-01 (2.3%)*	<u>\$86,439</u>
Total	\$561,646
Statewide Cost Estimate Total	\$562,000

*Implicit Price Deflator as projected by the Department of Finance.

Pupil Residency Verification and Appeals

Statewide Cost Estimate

Adopted April 27, 2000

Education Code Sections 48204.5 and 48204.6

Revenue and Taxation Code Section 97.3

Statutes of 1995, Chapter 309

Section 5 of Statutes of 1995, Chapter 309

Mandate Summary

Eligible Claimants

Any “school district,” as defined in Government Code section 17519, except for community colleges, that is adjacent to the international border and incurs increased costs as a result of this mandate is eligible to claim reimbursement.

Mandate Background

On June 24, 1999, the Commission on State Mandates adopted its Statement of Decision finding that the subject legislation imposed a reimbursable state-mandated program on any school district that is adjacent to the international border and incurs increased costs as a result of this mandate. The test claim statutes created a “new program or higher level of service” under article XIII B, section 6 of the California Constitution and imposed “costs mandated by the state” under Government Code section 17514.

Statutes of 1995, Chapter 309, declares that any school district that is adjacent to an international border district shall make reasonable efforts to determine that the pupil actually meets the residency requirements if an employee of that district reasonably believes that the parent or guardian of a pupil has provided false or unreliable evidence of residency. It further provides that County Superintendents of Schools of Imperial and San Diego Counties are not to allocate funds to any school district that has not adopted an appeals procedure for pupils who fail to adequately verify residency.

The Commission adopted the Parameters and Guidelines for this claim on September 30, 1999. The parameters and guidelines were subsequently amended on February 24, 2000. Costs incurred on or after August 3, 1995, are eligible for reimbursement.

Reimbursable Mandated Activities

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, and travel incurred for the following mandate components are reimbursable:

- Any “reasonable efforts” to determine a pupil’s residency *if* the verification occurs at a time other than the annual residency verification that is required under Title 5, California Code of Regulations, section 432.
- The one-time activity of adopting an appeals procedure substantially similar to Mountain Empire Unified School District’s for pupils who fail to adequately verify residency.

- Ongoing activities related to the appeals procedure for pupils who fail to adequately verify residency, as detailed in the Parameters and Guidelines adopted by the Commission.

Statewide Cost Estimate

Following is a breakdown of actual and estimated total costs per fiscal year:

<u>FISCAL YEAR</u>	<u>TOTAL ESTIMATE ACTUAL & PROJECTED</u>
1995-96	\$190,742
1996-97	\$191,542
1997-98	\$273,098
1998-99*	\$202,476
1999-00 (2.1%)**	\$207,749
2000-01 (2.3%)**	<u>\$212,527</u>
Total	\$1,278,134
Statewide Cost Estimate Total	\$1,278,000

*The 1998-99 estimated claim total includes a \$1000 penalty, which was added back in for the purposes of projecting future fiscal years.

**Implicit Price Deflator as projected by the Department of Finance.

Criminal Background Checks (a.k.a. Michele Montoya School Safety Act)

Statewide Cost Estimate

Adopted May 25, 2000

Education Code Sections 44332.6, 44830.1,

45122.1, 45125, and 45125.1

Statutes of 1997, Chapter 588

Statutes of 1997, Chapter 589

Mandate Summary

Eligible Claimants

Any "school district", as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement. The activities under this mandate also apply to charter schools

Mandate Background

On March 25, 1999, the Commission on State Mandates adopted its Statement of Decision finding that the subject legislation imposed a reimbursable state-mandated new program on school districts. The test claim statutes created a "new program or higher level of service" under article XIII B, section 6 of the California Constitution and imposed "costs mandated by the state" under Government Code section 17514.

The test claim legislation enacted the Michelle Montoya School Safety Act, which required school districts to obtain criminal background checks on specified certificated and non-certificated employees prior to hiring and to obtain certification that specified employees of entities that contract with school districts for janitorial, administrative, landscape, transportation, and food-related services have been fingerprinted. The test claim legislation also required school districts to suspend and terminate specified certificated employees and temporary, substitute and probationary employees hired before September 30, 1997 (the effective date of the test claim legislation) if the school district receives notification from the Department of Justice that the employee has been convicted of a violent or serious felony.

The Commission adopted the Parameters and Guidelines for this claim on October 28, 1999. Costs incurred on or after September 30, 1997, are eligible for reimbursement.

Reimbursable Mandated Activities

The direct and indirect costs of labor, materials and supplies, contracted services, equipment, training, and travel incurred for the following mandate components are eligible for reimbursement:

- Criminal Background Checks for Previously Exempted, Non-Certificated Employees Hired After September 30, 1997.
- Criminal Background Checks for Non-Certificated Employees Hired Before September 30, 1997.

- Criminal Background Checks for Certificated Employees Hired After September 30, 1997.
- Criminal Background Checks for Certificated Employees Hired Before September 30, 1997.
- Criminal Background Checks for Certificated Employees Applying for a Temporary Certificate or Temporary Certificate of Clearance.
- Criminal Background Checks for Contractor Employees.
- Electronic Fingerprinting Equipment.
- Reporting to the Department of Justice.
- Terminating, Suspending and Reinstating Employees.
- Preparation of Policies, Procedures, Guidelines. and Training.

Statewide Cost Estimate

Following is a breakdown of actual and estimated total costs per fiscal year:

<u>FISCAL YEAR</u>	<u>TOTAL ESTIMATE ACTUAL & PROJECTED</u>
1997-98 ³	\$6,413,966
1998-99	\$4,744,176
1999-00 (2.1%)*	\$4,843,804
2000-01 (2.3%)*	<u>\$4,955,211</u>
Total	\$20,957,157
Statewide Cost Estimate Total	\$20,957,000

*Implicit Price Deflator as projected by the Department of Finance.

³ Beginning on September 30, 1997.

APPENDIX 1

APPENDIX 2